

CHAPTER 42  
UNEMPLOYED PARENT

[Prior to 7/1/83, Social Services [770] Ch 42]  
[Prior to 2/11/87, Human Services[498]]

DIVISION I  
FAMILY INVESTMENT PROGRAM—CONTROL GROUP  
[Rescinded IAB 2/12/97, effective 3/1/97]

**441—42.1 to 42.20** Reserved.

DIVISION II  
FAMILY INVESTMENT PROGRAM—TREATMENT GROUP  
[Prior to 10/13/93, 441—42.1(239) to 42.8(239)]

**441—42.21(239B) Definitions.**

“*Bona fide offer*” means an actual or genuine offer which includes a specific wage or a training opportunity at a specific place when used to determine whether the parent has refused an offer of training or employment.

“*Parent*” means the natural or adoptive parent.

**441—42.22(239B) Deprivation.** A child shall be eligible for assistance on the basis of being deprived of parental care or support by reason of both parents being considered unemployed as described in rules 441—42.24(239B) and 441—42.25(239B). If either parent cannot be considered unemployed, then deprivation on the basis of unemployment does not exist.

**42.22(1)** Priority of other deprivation factors. When deprivation exists because of parental absence or incapacity, that deprivation factor supersedes and the case shall not be processed on the basis of a parent’s unemployment.

**42.22(2)** Reserved.

**441—42.23(239) Principal earner.** Rescinded IAB 10/13/93, effective 10/1/93.

**441—42.24(239B) Eligibility.** When both parents of a common child are in the home and neither parent is incapacitated as defined at 441—subrule 41.21(5), eligibility for assistance shall be determined under the unemployed parent program, without regard to either parent’s hours of employment, income or resources. For the purpose of determining eligibility and benefit amount, the filing unit shall include the common child, any parent and any deprived sibling of the common child living in the home with the common child as described at 441—subrule 41.28(1). Each parent in an unemployed parent case shall meet the following requirements:

**42.24(1)** When both parents are unemployed as defined, the effective date for unemployed parent assistance shall be established in accordance with rule 441—40.26(239B).

*a.* Rescinded IAB 12/3/97, effective 2/1/98.

*b.* The parent who is an applicant who is out of work due to refusal without good cause of a bona fide offer of employment or training for employment shall not be considered unemployed. The parent who is a recipient who is out of work due to refusal without good cause of a bona fide offer of employment or training shall be subject to 42.24(4).

*c.* The parent who is out of work due to a labor dispute shall not be considered unemployed.

*d.* All parents are automatically registered for work under the provisions of rule 441—41.24(239B) and subrule 41.22(14). Unless determined exempt, both parents shall be referred to the PROMISE JOBS program. In addition, while the application is pending, or while an existing eligible group is being redetermined for eligibility under the unemployed parent program, both parents shall cooperate in being referred to work by taking Form PA-2138-5, Unemployed Parent Referral to Employment Services, to the department of workforce development. Both parents shall apply for and receive job insurance benefits when eligible. When either parent fails to cooperate in the referral to the department of workforce development or refuses to apply for or draw unemployment benefits, there is no eligibility on the basis of unemployment.

*e.* Notwithstanding any other provision of this subrule, while the application is pending, or while an existing eligible group is being redetermined for eligibility under the unemployed parent program, the parent shall cooperate with the department of workforce development in actively searching for employment or training for employment, unless the parent is participating in a training plan or personally providing care to a child under three months of age. Either parent who fails or refuses to cooperate with the department of workforce development without good cause, as defined in 42.24(3), shall not be considered unemployed.

**42.24(2)** Failure to cooperate. A parent shall not, without good cause, end, limit, or reduce hours of employment; refuse job search assistance or counseling when a counselor is assigned from workforce development; or refuse a bona fide offer of employment or training for employment. Failure to follow up on a job or training referral shall be considered the same as a refusal.

When either parent who is an applicant fails to cooperate, the parent is not considered to be unemployed. The needs of any person in the eligible group whose eligibility is dependent on either parent's unemployment shall not be included in the assistance grant. When the parent is a recipient, then the eligible group is subject to 42.24(4).

**42.24(3) Establishing good cause.**

*a.* When a bona fide offer of employment or training is made independently of the PROMISE JOBS program, the determination of whether or not there was good cause for refusal is an income maintenance responsibility.

*b.* Good cause for limiting or reducing hours, ending or refusing a bona fide offer of employment or training exists when any of the problems with participation of a temporary or incidental nature specified in rule 441—93.133(239B) are identified or barriers to participation as described at rule 441—93.134(239B) are identified.

*c.* When an offer of employment or training is through the PROMISE JOBS program, the determination as to whether the offer is bona fide, or whether there is good cause to refuse it, shall be made by PROMISE JOBS program staff who shall initiate the limited benefit plan as described at 441—subrule 41.24(8). Any appeal from a mandatory referral shall be directed to the department.

**42.24(4) Relationship with the PROMISE JOBS program.** Unless determined exempt, both parents shall be referred to and shall be required to participate in the PROMISE JOBS program. Any parent may volunteer for the program.

The policies of the family investment agreement (FIA) described at rule 441—93.109(239B) and the family investment program-unemployed parent work program described at rule 441—93.122(239B) are applicable to both parents. When FIA-responsible persons choose not to sign the FIA or choose not to meet the responsibilities of the FIA, the household has chosen the limited benefit plan, as described at 441—subrule 41.24(8).

**441—42.25(239B) Not considered unemployed.** After assistance is approved, when either parent is no longer considered unemployed, in accordance with paragraph 42.24(1) “c” or because of failure to apply for or draw job insurance benefits, eligibility for unemployed parent assistance no longer exists for those persons whose eligibility is dependent on the unemployment of both parents.

**441—42.26(239) Inclusion of the nonqualifying parent.** Rescinded IAB 10/13/93, effective 10/1/93.

**441—42.27(239) Income maintenance worker contact to ensure active search for employment or training.** Rescinded IAB 10/13/93, effective 10/1/93.

**441—42.28(239B) Assistance continued.** An adjustment period following the incapacitated parent’s recovery or the absent parent’s return home shall continue for only as long as is necessary to determine whether there is eligibility on the basis of parental unemployment. When deprivation on the basis of unemployment cannot be established, assistance shall be continued for a maximum of three monthly grants.

These rules are intended to implement Iowa Code section 239B.2.

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